

Message Text

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 7444

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E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: FOREIGN RACE HORSE RESTRICTIONS

REF: A) '76 STATE 29809; B) '75 TOKYO 18223; C) '75 STATE
295847

1. WE UNDERSTAND THAT DR. PARK INSTITUTED SUIT AGAINST JAPANESE RACING ASSOCIATION (JRA) IN FALL OF 1975. LOCAL COURT REPORTEDLY IN TRADITIONAL JAPANESE FASHION SUGGESTED THAT PARK AND JRA NEGOTIATE AND RESOLVE DIFFERENCES. HOWEVER, PARK DROPPED SUIT ON FEB 6, 1976 REPORTEDLY UNDER PRESSURE FROM DOMESTIC BREEDERS WHO THREATENED NOT TO DEAL WITH PARK RANCHES IF HE PRESSED SUIT.

2. JRA IS A SEMI-GOVERNMENTAL ORGANIZATION AND ITS ACTIVITIES ARE UNDER THE DIRECT SUPERVISION OF THE MINISTRY OF AGRICULTURE AND FORESTRY (MAF). TOP OFFICIALS OF JRA ARE APPOINTED BY THE MAF MINISTER, INCLUDING THE JRA PRESIDENT, VICE-PRESIDENT AND AUDITORS. MR. T. OSAWA, CURRENT PRESIDENT, WAS VICE MINISTER OF MAF DURING THE PERIOD 1963-65. PRINCIPAL MAF SUPERVISION OF JRA ACTIVITIES, IN ADDITION TO APPOINTMENT OF TOP OFFICIALS, ARE A) APPROVAL OF JRA ANNUAL BUDGET AND PROGRAMS B) AUDITING C) APPROVAL FOR RULES OF RACING AND D) SUPERVISION OF RACE TO ASSURE INTEGRITY.

3. REPATRIATION OF WINNINGS BY FOREIGN HORSE OWNERS
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DOES NOT SEEM TO BE AN ISSUE IN THIS CASE SINCE ONLY

RESIDENTS (INCLUDING ALIEN RESIDENTS) CAN RACE HORSES IN JAPAN. WE UNDERSTAND MRS. PARK IS A RESIDENT ALIEN AND COULD, THEREFORE, LEGALLY ENTER HORSES IN JRA RACES. THE TRANSFER OF HER WINNINGS OUT OF JAPAN, HOWEVER, WOULD BE SUBJECT TO THE FOREIGN EXCHANGE CONTROL LAW.

4. ARTICLE 47 OF "RULES OF RACING," WHICH ARE THE ENFORCEMENT REGULATIONS ESTABLISHED BY JRA AND APPROVED BY MAF, PROVIDES THE AUTHORITY UNDER WHICH JRA ESTABLISHES ENTRY CONDITIONS AND QUALIFICATIONS OF RACING PROGRAMS. PARTICIPATING ELIGIBILITIES OF "FOREIGN-BRED HORSES" ARE LIMITED UNDER THESE PROVISIONS. PARK CURRENTLY HAS ONE HORSE THAT PERMITTED TO RACE IN JAPAN, WHICH WE UNDERSTAND FALLS WITHIN 10 PERCENT RULE REPORTED REF B, I.E., FOREIGN RACE HORSE FOALS BORN IN JAPAN OR RACE HORSES THAT HAVE NEVER RUN IN RACES OUTSIDE JAPAN.

5. EMBASSY OFFICER INFORMALLY DISCUSSED PROBLEM WITH JRA OFFICIAL AND PLANS CALL ON WORKING LEVEL OFFICIAL IN MAF ANIMAL INDUSTRY BUREAU TO INFORMALLY DISCUSS QUESTION OF DISCRIMINATION AGAINST FOREIGN RACE HORSES.
SHOESMITH

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